

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -October 16, 2018**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Fulloon, Klimko, Noone, Norris (*arrived at 7:30 pm*), Thompson, Valle, Higgins.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Absent: Thompson

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

COUNCIL APPEARANCE

Highlands Council Representatives: James Humphries, Carolann Dickson and Carl Hitchko (sp), presented to Mayor and Council on ways the Highlands and grants through the Highlands can be beneficial for the Borough.

Julia Somers(sp), Executive of the New Jersey Highlands Coalition Advocacy spoke about recent legislation that is permissive to municipalities to create a storm water utility, which has not been approved yet.

Kevin Hopkins, owner of Gibson’s Gym and Honor Yoga, discussed the decision of Council not passing the ordinance concerning fast food establishments. Mr. Hopkins went on to discuss the current state of the downtown and his successful business investments he made by staying in the Borough. Mr. Hopkins criticized the governing body for impeding the approval of the ordinance which would allow Ray Rice to move forward with rebuilding the now empty lots.

Vic Cioni, Alvin Sloan, discussed his tenure when he was on council regarding the redevelopment of the Downtown area. Mr. Cioni added that this isn’t about Taco Bell it’s about having anchor stores which adds stability.

John Monteverde, BID Executive Director, asked that the Council reconsider the ordinance and get Ray Rice back on board. Mr. Monteverde went to report on the hometown Halloween costume contests coming up for the Halloween holiday on the 31st.

Mr. Montverde left flyers for the Jersey Cares support of our troops and care packages.

Coco, Laundry Mat owner, came before council to request three parking spaces be sold to her for her business due to a lack of parking in the area of her business.

Motion made by Valle and seconded by Klimko to close the audience portion.

Motion made by Fulloon and seconded by Noone to direct the manager draft an ordinance to amend two parking spaces to two-hour parking.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 3 Nays: 3
Motion Failed.

MINUTES

Motion made by Klimko and seconded by Norris to approve the executive session meeting minutes of: July 10, 2019, July 24, 2018 September 4, 2018, September 18, 2108 and October 2, 2018 (Proof for content only)

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

ORDINANCES

Motion made by Noone to approve on first reading Ordinance 2018-20 motion seconded by Norris.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

ORDINANCE # 2018-20

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BOROUGH OWNED REAL**

ESTATE MORE COMMONLY REFERRED TO AS BLOCK 100, LOT 52 PURSUANT TO N.J.S.A. 40A:12-13

WHEREAS, Lot 52 of Block 100 (the Property); which consists of 12.16 acres, was acquired by the Borough of Washington through tax foreclosure and is not needed for public purposes; and

WHEREAS, it is in the best interest of the Borough to sell such land to generate revenue, reduce taxes and reduce liabilities; and

WHEREAS, the Borough proposes to sell such land by Open Public Sale to the highest bidder as authorized by N.J.S.A. 40A:12-13(a).

NOW, THEREFORE, BE IT ORDAINED by Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

The Borough Clerk is authorized, subject to the conditions set forth herein, to offer for sale by public auction all of the Borough's right, title and interest in and to the following lot pursuant to the provisions of N.J.S.A. 40A:12-13:

1. The sale of said property shall be pursuant to the provisions of subsection (a) of Section 13 of P.L. 1971, c. 199 (N.J.S.A. 40A:12-13), by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the Borough of Washington, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale. The Borough Council reserves the right to reject all bids where the highest bid is not accepted, and notice of such reservation shall be included in the advertisement of the sale, and public notice thereof shall given at the time of sale. No minimum bid or price shall be specified, and upon the completion of bidding, the highest bid may be accepted or all the bids may be rejected by the Borough of Washington
2. Pursuant to N.J.S.A. 40A:12-13(a), each bidder shall be required to submit one bid under each Option A and Option B below.
 - i) **Option A** - shall be for the real property subject to the following restrictions on the use to be made of such property, which shall be conditions or restrictions imposed, or interest or state retained, which the Borough proposes to retain or impose:
 - a. The deed of conveyance to the successful bidder for Block 100, Lot 52 shall contain an easement permitting and allowing the Borough of Washington, The Borough of Washington Municipal Sewer Utility (BOWMSU) and its authorized designee, to utilize an existing roadway on the Property for access to the Borough's Sewer system as the system's main trunk runs beneath said Property, along its northern boundary and parallel to the Shabbecong Creek. The said roadway shall not be open to the general public.
 - b. The Property shall not be utilized for any purpose which is tax exempt from municipal property taxes unless the owner thereof shall pay an equivalent amount to the Borough which it would otherwise pay as municipal property taxes if the said

use of the property was not tax exempt (municipal, school, county, fire district, etc. taxes). This payment in lieu of taxes shall be paid wholly to the Borough and shall be a condition upon the sale and a restriction as to the use of the property which shall run with the land.

- c. This property shall not be subject to further subdivision.
 - d. Such other restrictions, easements, rules and regulations as are contained in the above, referred to in deeds, the information to bidders and related documentation in connection with this sale.
 - e. All restrictions, requirements and easements imposed as conditions of the sale of the above property shall run with the land, and any subsequent sale or conveyance of the property by the buyers' successors in right, title, or interest, shall be subject to said restrictions, requirements and easements.
 - f. The Clerk shall make known the specific restrictions set forth in this section in the advertisement and invitation to bid and shall comply with the statute's direction to receive bids under "Option A and Option B" as provided in N.J.S.A. 40A:12- 13.
- ii) **Option B** – shall be for the real property to be sold free of all such restrictions, conditions, interests or estates on the part of the Borough. (Note: Option B is listed solely in compliance with N.J.S.A. 40A: 12-13(a)(2). The Borough does not intend to accept any bids under Option B).
3. The Borough may accept or reject either or both options and the highest bid for each. Such acceptance or rejection shall be made not later than at the second regular meeting of the Borough following the sale, and, if the Borough of Washington shall not so accept such highest bid, or reject all bids, said bids shall be deemed to have been rejected. Any such sale may be adjourned at the time advertised for not more than one week without re-advertising.
 4. The Borough makes no warranty concerning the marketability or the insurability of title to the said parcel. In the event title of the said parcel, or portion thereof, is not marketable or insurable at regular rates by a reputable title insurance company licensed to do business in the State of New Jersey, a successful bidder's sole remedy shall be the right to demand the return of any deposit paid to the Borough of Washington.
 5. At least fifteen (15) days prior to the date of settlement, the successful bidder will provide the Borough Attorney with the following: a) Preliminary report of title with legal description; and b) Current survey.

6. At least ten (10 %) percent of the minimum sales price shall accompany the bid which may be by personal check. The balance of the bid price or purchase price shall be cash, certified or official bank check, payable at the time of transfer of title, but in no event later than thirty (30) days after the date of the land sale, except, in the event that the Borough Attorney certifies that questions of title exist, in which event payment shall be made within ninety (90) days after the date of land sale, unless further extended by resolution of the Borough Council.
7. In the event the successful bidder shall fail to pay the balance as herein provided, the payment made at the time of sale shall be retained by the Borough as liquidated damages for the non-performance of said bidder. The Borough shall be entitled to rescind the prior bid approval and terminate any and all rights of the designated bidder in said property.
8. All sales and conveyances shall be subject to all covenants, conditions, encumbrances, easements, and restrictions, whether of record or not, as well as subject to all presently existing municipal rules, regulations and ordinances and amendments thereto of the Borough of Washington. The sale of any parcel shall in no way bind the Borough to provide access or to improve presently existing accesses.

NOW, BE IT FURTHER RESOLVED that the Mayor, Clerk and Borough Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and conveyance of the above described property in accordance with the terms of this resolution and other applicable requirements of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Motion made by Klimko to approve on first reading Ordinance 2018-21 motion seconded by Noone.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6, Nays: 0
Motion carried.

ORDINANCE # 2018-21

AN ORDINANCE OF THE BOROUGH OF WASHINGTON PROVIDING FOR THE VACATION OF A CERTAIN PAPER STREET LOCATED RUNNING FROM MOZART AVENUE NORTHERLY TO ITS INTERSECTION WITH LOT 13 BLOCK 88

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Borough Committee may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Borough, whether or not the same, or any part, has been actually opened or improved

WHEREAS, the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, is of the opinion that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in an unimproved paper street located on the northerly side of Mozart Ave, west of the intersection with New Jersey Route 31 as shown on the Borough of Washington Tax Map. The unnamed street is bounded by Lots 11, 20 and 9, Block 88 to the west; Lots 15, 16, 17 and 18 Block 88 to the east; and Lot 13 Block 88 to the north, all located in the Borough of Washington, Warren County, New Jersey; and

WHEREAS, the Borough Council has received a request from the adjoining property owner, Dale Coleman, requesting the vacation of the aforementioned property, which vacation would be implemented by the Borough; and

WHEREAS, the aforementioned property owner is aware that upon successful adoption of the vacation ordinance, one half of the area to be vacated will be thereby conveyed to each of the adjoining property owners; and

WHEREAS, the aforementioned property owner, has agreed to reimburse the Borough for all reasonable professional fees expended with regard to the vacation of the aforementioned right-of-way and/or paper street.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

SECTION 1. Any existing public rights and interests are hereby vacated with respect to a certain right-of-way and/or paper street, which is more specifically described above as well as in a letter with attachments dated April 24, 2018, by Cortes and Hay, Inc., to Dale Coleman which is attached hereto as **Exhibit A**

SECTION 2. Be it further ordained that all the rights of any and all public utilities and/or cable television companies are hereby expressly reserved and excepted from this vacation.

SECTION 3. It is the intent of the Borough Council of the Borough of Washington to vacate the aforementioned interests that the public may have in the property, and to provide that the property shall be conveyed, in its “as is” condition, to the adjoining property owners for no further consideration.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 6: This ordinance shall take effect after second reading and publication as required by Law.

Motion made by Klimko and seconded by Noone to open the public hearing for Ordinance 2018-19. All were in favor.

Hearing no public comment, motion made by Klimko and seconded by Valle to close the public comment for Ordinance 2018-19. All were in favor,

Motion made by Noone and seconded by Valle to adopt Ordinance 2018-19.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0
Motion Carried.

ORDINANCE 2018-19

ORDINANCE PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND APPROPRIATING \$112,785 THEREFORE FROM MONEYS IN THE CAPITAL IMPROVEMENT FUND AND THE CAPITAL OUTLAY OF THE BOROUGH.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefor the sum of \$112,785 from moneys available, to the extent of \$101,785, in the Capital Improvement Fund of the Borough and, to the extent of \$11,000, in the Capital Outlay of the Borough.

The improvements hereby authorized and the purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance include the upgrade and rehabilitation of sewer lines, pipes and manholes, the reconstruction or resurfacing of streets and locations in the Borough including Taft Terrace, McKinley Street, South Prospect Street and Gardners Court and other improvements for the sewer utility and system of the Borough, together with for all the aforesaid all equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of

Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

RESOLUTIONS

Motion made by Klimko and seconded by Valle to approve Resolution 2018-132

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0
Motion Carried.

RESOLUTION 2018-132 A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS TO JENNIFER RUSSO FROM THE STREET OPENINGS ACCOUNT HELD IN TRUST BY THE BOROUGH OF WASHINGTON

WHEREAS, Jennifer Russo has requested the return of any remaining inspection fees and the return of the \$500.00 cash Maintenance/Guarantee fee in the Street Openings escrow account #7200020864 deposited for sidewalk replacement at 237 Belvidere Avenue; and

WHEREAS, Kevin Smith, Municipal Engineer, has performed the final inspection and concurs with the balance remaining \$130.00 escrow and the \$500.00 cash Maintenance/Guarantee deposited for Permit #2017-29 and approves the return of these funds.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Jennifer Russo, P.O. Box 76, Hampton, NJ 08827, in the amount of \$630.00 to refund the remaining inspection escrow in the amount of \$130.00 and the full \$500.00 Maintenance/Guarantee from the Street Openings Account #7200020864..

Motion made by Noone and seconded by Norris to approve Resolution 2018-133

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0
Motion Carried.

RESOLUTION 2018-133 APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, Borough of Washington (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Warren and State of New Jersey, as follows:

1. Borough of Washington (Local Unit) hereby appoints Skylands Risk Management Inc. its Risk Management Consultant.
2. The _____ (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2019 in the form attached hereto.

Name of Entity: Borough of Washington

Motion made by Valle and seconded by Norris to approve Resolution 2018-134

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0
Motion Carried.

**RESOLUTION 2018-134
STATEWIDE INSURANCE FUND
APPOINTING FUND COMMISSIONER**

WHEREAS, Borough of Washington (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Washington (Local Unit) that _____

Matthew Hall (entity's elected official or employee) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that Natasha Turchan (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Borough of Washington

Motion made by Klimko and seconded by Valle to approve Resolution 2018-135

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0

Motion Carried.

RESOLUTION # 2018-135

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 7, 2014 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$6,228.94 or taxes or other municipal liens assessed for the year 2013 in the name of Gay, Joan Marie as supposed owner, and in said assessment and sale were described as 15 Youmans Avenue, Block 94 Lot 40, which sale was evidenced by certificate #14-00062 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 10-11-18 and before the right to redeem was cut off, as provided by law, PNC Bank claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$43,559.91 which is the amount necessary to redeem Tax Sale Certificate #14-00062.

NOW THEREFORE BE IT RESOLVED, on this 16th day of October 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$58,559.91** (This consists of \$43,559.91 Certificate Amount redeemed + \$15,000.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 94 Lot 40 from the tax office records.

REPORTS:

Motion was made by Klimko seconded by Norris to receive and file the following reports:

1. DPW
2. Court

Ayes: 6 Nays: 0
Motion Carried.

VOUCHERS AND CLAIMS

Motion made by Valle seconded by Norris to pay the vouchers and claims in the amount of \$585,901.45 from the current fund and \$ 107,530.11 from sewer.

ROLL CALL: Fulloon, Klimko, Noone, Norris, Valle and Higgins.

Ayes: 6 Nays: 0
Motion Carried.

Manager Hall discussed having a joint meeting with the Shade Tree Commission with Council and have Kevin Smith, Borough Engineer come with displays to discuss the Grand Avenue project to all the affected landowners.

CORRESPONDENCE

Mayor Higgins stated he received an anonymous letter concerning a borough employee and stated that this is a personnel matter and will not be discussed publicly.

COUNCIL REMARKS

Councilwoman Noone stated she is looking forward to the 5K run and thanked all those for helping in organizing it. Councilwoman Noone added she attended an opening of a new clothing store downtown.

Councilwoman Valle stated she is happy to see another store opening. Councilwoman Valle inquired about getting rid of the big yellow barrels out of the old carpet store.

Councilman Norris reiterated on being happy to hear about a new store opening. Councilman Norris asked about cars parking in ally-ways and added that it is a hazard.

Councilwoman Klimko stated that the 5K Run will be on the 27th.

Mayor Higgins stated that Councilman Rich Thompson is in the hospital and has asked that a motion be taken to grant him a leave of absence due to his medical issues.

Motion made by Noone and seconded by Valle to grant Rich Thompson a leave of absence until the end of the year. All were in favor.

Mayor Higgins touched on the subject of the boroughs budget and the hearsay that is currently going on social media regarding the boroughs budget and how it operates.

Mayor Higgins stated that ribbons are being placed around the Borough for Domestic Abuse Awareness month.

Mayor Higgins thanked all those for their kind words regarding the death of his brother.

EXECUTIVE SESSION

A motion was made by Noone seconded by Klimko to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter, contract negotiations, and a personnel matter at 8:22 PM.

Ayes: 6; Nays: 0
Motion Carried.

RESOLUTION **AUTHORIZING EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Klimko seconded by Norris to come out of Executive Session at 8:46 pm.

Ayes: 6; Nays: 0
Motion Carried.

Discussions of the Redevelopment Ordinance ensued regarding fast food establishments.

Motion made by Noone and seconded by Norris to reintroduce the ordinance at the next meeting for the redevelopment downtown (fast-food). All were in favor.

ADJOURNMENT

Hearing no further business, a motion was made by Valle seconded by Noone to adjourn the meeting at 9:02 pm.

Ayes: 6; Nays: 0

Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk